

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

Mordechai BEN-ASHER,

A040-142-629

Plaintiff,

Civ. No. 1:07-cv-03121-LAK

-against-

Michael CHERTOFF,

Secretary, Department of Homeland Security,
et. al.

Defendants.

-----X

PROOF OF SERVICE OF COMPLAINT AND SUMMONS

In accordance with Federal Rule of Civil Procedure 4(e), the attached documents demonstrate that service of the Complaint and Summons upon all Defendants to this action was completed on April 23, 2007.

Dated: New York, New York
April 25, 2007

Respectfully submitted,



Joshua Bardavid, Esq.
Counsel for Petitioner

401 Broadway, 22nd Floor
New York, New York 10013
Phone: (212) 219-3244
Fax: (212) 219-3235
Email: Josh@Bardavidlaw.com

~~Form 410 (Rev. 6/01) Summons in Civil Action~~

UNITED STATES DISTRICT COURT

Southern

District of

New York

Mordechai BEN-ASHER,

SUMMONS IN A CIVIL ACTION

V.

Michael CHERTOFF et al

CASE NUMBER:

07 CV 3121

JUDGE KAPLAN

TO: (Name and address of Defendant)

Alberto Gonzales, Attorney General of the United States
United States Department of Justice
10th St. & Constitution Avenue, NW
Washington, D.C. 20530

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Law Office of Joshua E. Bardavid
Counsel for Petitioner
401 Broadway, 22nd Floor
New York, New York 10013

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Manos Quintero

DATE

APR 18 2007

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me"	DATE 4/23/2007
NAME OF SERVER (PRINT) Joshua Bardavid, Esq	TITLE Attorney for Petitioner

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☒ Other (specify):
Federal Express (see attached)

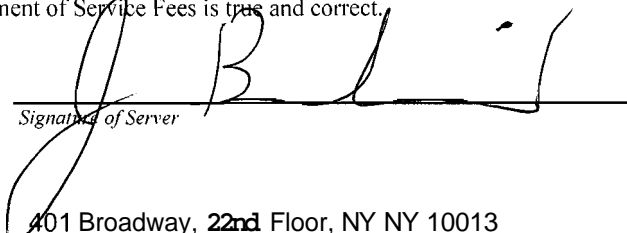
STATEMENT OF SERVICE FEES

TRAVEL	SERVICES Federal Express	TOTAL \$9.41
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/25/2007
Date


Signature of Server

401 Broadway, 22nd Floor, NY NY 10013
Address of Server



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

April 26, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **791673780344**.

Delivery Information:

Status:	Delivered	Delivery location:	3370 V ST Washington, DC 20530
Signed for by:	A.FRAZIER	Delivery date:	Apr 23, 2007 09:40
Service type:	Express Saver Envelope		

NO SIGNATURE IS AVAILABLE

FedEx Express Proof of delivery details appear below, however no signature is currently available for this FedEx Express shipment. Availability of signature images may take up to 5 days after delivery date.

Shipping Information:

Tracking number:	791673780344	Ship date:	Apr 20, 2007
		Weight:	1.0 lbs.

Recipient:
Alberto Gonzales
Attorney General of the US
United States Department of Justice
10 Street & Constitutioun Ave, NW
Washington, DC 20530 US
Reference

Shipper:
Joshua Bardavid
Joshua E. Bardavid, Esq.
401 Broadway, 22nd Floor
New York, NY 10013 US

SUMMONS AND COMPLAINT

Thank you for choosing FedEx Express.

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1.800.GoFedEx 1.800.463.3339

~~SD-10-140 (Rev. 8/01) Summons in Civil Action~~

UNITED STATES DISTRICT COURT

Southern

District of

New York

Mordechai BEN-ASHER,

SUMMONS IN A CIVIL ACTION

V.
Michael CHERTOFF et al

CASE NUMBER: **07 CV 3121**

JUDGE KAPLAN

TO: (Name and address of Defendant)

OFFICE OF THE UNITED STATES ATTORNEY
86 Chambers Street, 3rd Floor
New York, New York 10007

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Law Office of Joshua E. Bardavid
Counsel for Petitioner
401 Broadway, 22nd Floor
New York, New York 10013

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

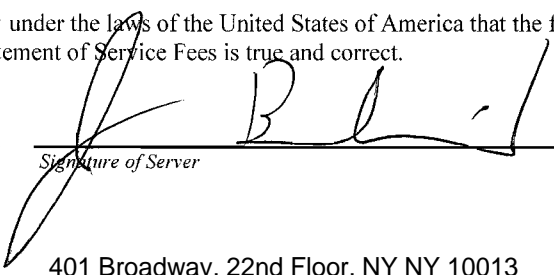
APR 18 2007

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	4/23/2007
NAME OF SERVER (<i>PRINT</i>) Joshua Bardavid, Esq	TITLE	Attorney for Petitioner
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input checked="" type="checkbox"/> Other (specify): Federal Express (see attached) </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES Federal Express	TOTAL \$9.41
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;"> <p>Executed on <u>4/25/2007</u></p> <p style="text-align: center;">Date</p> </div> <div style="width: 60%; text-align: center;">  <p>_____ Signature of Server</p> <p>401 Broadway, 22nd Floor, NY NY 10013 _____ Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

April 26, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **790230140182**.

Delivery Information:

Status:	Delivered	Delivery location:	86 CHAMBERS ST New York, NY 10007
Signed for by:	R.LYNCH	Delivery date:	Apr 23, 2007 08:30
Service type:	Express Saver Envelope		

A black and white photograph of a handwritten signature in black ink on a light-colored, textured background. The signature appears to be "R. LYNCH" with a stylized flourish at the end.

Shipping Information:

Tracking number.	790230140182	Ship date:	Apr 20, 2007
		Weight:	0.5 lbs.

Recipient:

Southern District of New York
Office of US Attorney
86 Chambers Street
3rd Floor
New York, NY 10007 US

Reference

Shipper

Joshua Bardavid
Joshua E. Bardavid, Esq.
401 Broadway, 22nd Floor
New York, NY 10013 US

SUMMONS AND COMPLAINT

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
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~~SDNY 110 (Rev. 8/04) Summons in a Civil Action~~

UNITED STATES DISTRICT COURT

Southern

District of

New York

Mordechai BEN-ASHER,

SUMMONS IN A CIVIL ACTION

V.

Michael CHERTOFF et al

CASE NUMBER:

07 CV 3121

TO: (Name and address of Defendant)

JUDGE KAPLAN

Mary Ann Gantner
USCIS
26 Federal Plaza
New York, New York 10278

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Law Office of Joshua E. Bardavid
Counsel for Petitioner
401 Broadway, 22nd Floor
New York, New York 10013

an answer to the complaint which is served on you with this summons. within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Marcos Quintero

(By) DEPUTY CLERK

DATE

APR 18 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE	
Service of the Summons and complaint was made by me"	DATE 4/23/2007
NAME OF SERVER (<i>PRINT</i>) Joshua Bardavid, Esq	TITLE Attorney for Petitioner
<i>Check one box below to indicate appropriate method of service</i>	

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

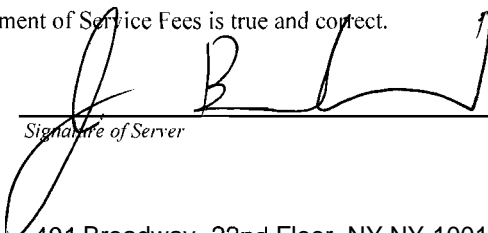
☒ Other (specify):

Federal Express (see attached)

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES Federal Express	TOTAL \$9.41
DECLARATION OF SERVER		

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/25/2007
Date


Signature of Server

401 Broadway, 22nd Floor, NY NY 10013
Address of Server



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

April 26, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **791673793506**.

Delivery Information:

Status:	Delivered	Delivery location:	26 FEDERAL PLZ 5 New York, NY 10278
Signed for by:	S.RIVERA	Delivery date:	Apr 23, 2007 10:18
Service type:	Express Saver Envelope		



Shipping Information:

Tracking number:	791673793506	Ship date:	Apr 20, 2007
		Weight:	1.0 lbs.

Recipient:

Mary Ann Gantner
USCIS, District Director
26 Federal Plaza
New York, NY 10278 US

Reference

Shipper:

Joshua Bardavid
Joshua E. Bardavid, Esq.
401 Broadway, 22nd Floor
New York, NY 10013 US
SUMMONS AND COMPLAINT

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339

~~AO 140 (Rev. 8/01) Summons in Civil Action~~

UNITED STATES DISTRICT COURT

Southern

District of

New York

Mordechai BEN-ASHER,

SUMMONS IN A CIVIL ACTION

V.

Michael CHERTOFF et al

CASE NUMBER:

07 CV 3121
JUDGE KAPLAN

TO: (Name and address of Defendant)

Michael Chertoff, Secretary Department of Homeland Security
Nebraska Avenue Center, NW
Washington, D.C. 20508

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Law Office of Joshua E. Bardavid
Counsel for Petitioner
401 Broadway, 22nd Floor
New York, New York 10013

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 18 2007

CLERK

Manos Quintero

DATE

(BY) DEPUTY CLERK

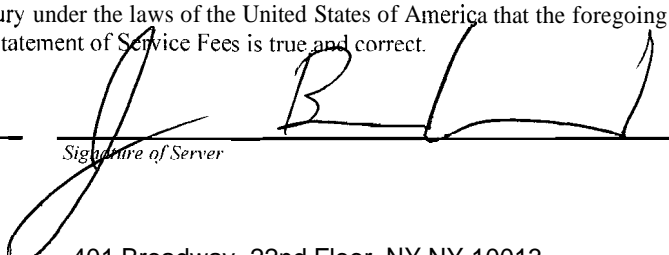
AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE	
Service of the Summons and complaint was made by me ⁽¹⁾	DATE 4/23/2007
NAME OF SERVER (PRINT) Joshua Bardavid, Esq	TITLE Attorney for Petitioner
<i>Check one box below to indicate appropriate method of service</i>	
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify): Federal Express (see attached)	

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES Federal Express	TOTAL \$9.41
DECLARATION OF SERVER		

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/25/2007
Date


Signature of Server

401 Broadway, 22nd Floor, NY NY 10013
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

April 26, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **798656922901**.

Delivery Information:

Status:	Delivered	Delivery location:	245 MURRAY DR SW Washington, DC 20528
Signed for by:	M.CALLOWAY	Delivery date:	Apr 23, 2007 10:18
Service type:	Express Saver Envelope		



Shipping Information:

Tracking number:	798656922901	Ship date:	Apr 20, 2007
		Weight:	1.0 lbs.

Recipient:

Michael Chertoff
DHS -- HQ, Washington DC
Secretary, DHS
3801 Nebraska Avenue, NW
Washington, DC 20528 US

Reference

Shipper:

Joshua Bardavid
Joshua E. Bardavid, Esq.
401 Broadway, 22nd Floor
New York, NY 10013 US

SUMMONS AND COMPLAINT

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
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AFFIRMATION OF SERVICE

Joshua E. Bardavid, being an attorney duly admitted to the practice of law in the States of New York and in the courts of the United States does hereby affirm under penalties of perjury and pursuant to New York CPLR 2106 that the following is true:

On April 25, 2007, I placed a true copy of the attached documents in a secure envelope and mailed the same via U.S. Postal Service, postage pre-paid, to:

U.S. Attorney's Office
for the Southern District
86 Chambers Street, 3rd Floor
New York, NY 10007

Alberto Gonzales, Attorney General of the United States
United States Department of Justice
10th St. & Constitution Avenue, NW
Washington, D.C. 20530

Mary Ann Gantner, District Director
26 Federal Plaza 8th Floor, Room 800
New York City, NY 10278

Michael Chertoff, Secretary
Department of Homeland Security
Nebraska Avenue Center, NW
Washington, D.C. 20508

Dated: New York, New York
April 25, 2007



Joshua Bardavid, Esq.
Counsel for Petitioner

401 Broadway, 22nd Floor
New York, New York 10013
Phone: (212) 219-3244
Fax: (212) 219-3235